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In re Application of

Ono et al.

Application No.: 10/535,336

PCT No.: PCT/JP2003/014709

Int. Filing Date: 19 November 2003

Priority Date: 19 November 2002

Attorney Docket No.: P27943

For: Agent For Dissolving Dental
Calculi And Dental Caries

DECISION

This is in response to the petition under 37 CFR 1.181 filed on 30 October 2009.

BACKGROUND

This international application was filed on 19 November 2003, claimed an earlier priority date of 19 November 2002, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 03 June 2004. The 30 month time period for paying the basic national fee in the United States expired at midnight on 19 May 2005. Applicant filed *inter alia* the basic national fee on 18 May 2005.

On 10 November 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b), an English translation of the international application, the surcharge under 37 CFR 1.492(h) and the processing fee under 37 CFR 1.492(i).

On 06 January 2006, applicants filed a response.

On 16 February 2006, a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "01/06/2006" was mailed to applicants.

DISCUSSION

Counsel states that

Upon review of the literal English translation of the International Application, Applicants recognized that there is a more accurate translation of the application from the original PCT application PCT/JP2003/014709. Accordingly, Applicants are submitting this Petition and a Corrected Literal English Translation of the International Application as filed to thereby ensure compliance with 35 U.S.C. 371 and 37 C.F.R. 1.495.

Petitioner's statement that the translation accompanying the petition is a more accurate translation than the translation of record, is accepted. In view of this statement, the Notice of Acceptance mailed on 16 February 2006 is hereby **VACATED**. The English translation filed on 30 October 2009 will be used for continued processing of the application.

Inspection of the declaration filed on 06 January 2006 reveals that it does not appear to have been made on a form supplied by the USPTO, or under Rule 4.17(iv), and that the statement required under 37 CFR 1.69(b) does not appear to have been made. Applicants are required to either provide such statement or else a new oath or declaration

DECISION

The petition is **GRANTED** as noted above.

Applicants must file the response described above within **TWO (2) MONTHS** from the mailing date of this Decision, extendable under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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